

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4466 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

and

Hon'ble MR.JUSTICE H.K.RATHOD sd/-

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements? No
  2. To be referred to the Reporter or not? No :
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement? No
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No
  5. Whether it is to be circulated to the Civil Judge? No :
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NEW INDIA ASSURANCED CO LTD

Versus

RAMBAI NARAN BHANDORI

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Appearance:

MS LILU K BHAYA for Petitioner

MR SURESH M SHAH for Respondent No. 1

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CORAM : MR.JUSTICE D.C.SRIVASTAVA

and  
MR.JUSTICE H.K.RATHOD

Date of decision: 02/08/2000

ORAL JUDGEMENT

(Per : D.C.Srivastava, J.)

1. This is an Appeal against the Award under Section 163-A of the Motor Vehicles Act rendered by the Motor Accident Claims Tribunal, Kutch at Bhuj on 30.4.1999 awarding compensation of Rs.1,44,500/- together with interest at the rate of 15 % from the date of application till date of deposit.

2. Ms.Lilu K. Bhaya, learned Counsel for the applicant and Shri M.S.Shah for the respondent have been heard on admission of this Appeal. With their consent this Appeal is proposed to be disposed of finally at the admission stage.

3. Having examined the impugned Award we do not find that the Tribunal committed any illegality in rendering the impugned Award. Consequently there is no occasion for interference with the impugned Award. As such the Appeal has to be dismissed and is hereby dismissed.

4. The appellant is directed to deposit the amount awarded by the Tribunal together with interest and cost in the Tribunal within a period of six weeks from today. Out of the amount so deposited 30 % shall be paid through A/c. Payee cheque to the claimant and the remaining 70 % shall be invested in some Nationalised Bank in Fixed Deposit for a period of 5 years initially. Interest accruing on such deposit shall be payable to the claimant. It is further directed that the Tribunal shall not permit the claimant to withdraw the main petition u/s. 166 of the Motor Vehicles Act nor shall permit the claimant to get it dismissed in default. The claimant shall pursue the claim petition on merit and undertaking to this effect shall be furnished by the claimant before the Tribunal within a period of three weeks from today. The pleas which have been raised assailing the interim award shall be open to the appellant to raise in the Application u/s. 166 of the Motor Vehicles Act. The amount deposited in this Court shall be remitted to the Tribunal forthwith.

sd/-

( D. C. Srivastava, J. )

Date : August 02, 2000 sd/-

( H. K. Rathod, J. )

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